IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 3750 of 2007(U)

PETITIONER:

SYAMALA, D/O. JACOB,
CHAMAVILA VEEDU, KUNNUMPURAM, MANNOORKKARA VILLAGE
KUTTICHAL P.O., THIRUVANANTHAPURM DISTRICT.

BY ADV. SRI.MANOJ RAMASWAMY

RESPONDENTS:

1. KUTICHAL GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, KUTTICHAL GRAMA
PANCHAYAT OFFICE, KUTICHAL P.O.,
THIRUVANANTHAPURAM DISTRICT.

2. THE TAHSILDAR,
NEDUMANGAD TALUK, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT.

3. THE REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM REVENUE DIVISIONAL OFFICE,
THIRUVANANTHAPURAM.

4. JAYADAS, S/O. MOSA,
KIZHAKKUMKARA, KUZHIVILA PUTHEN VEEDU,
MANNOORKKARA VILLAGE, KUTTICHAL P.O.,
THIRUVANANTHAPURAM DISTRICT.

R2 & R3 BY ADV. SRI. MATHEW G. VADAKKEL, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 3750 OF 2007

Dated this the 2nd day of February, 2007

JUDGMENT

The apprehension of the petitioner is that the sole objective of the 1st respondent-Panchayat is to provide a road for the 4th respondent, by trespassing into her property. According to her, the local Munsiff Court by Ext.P2 judgment has turned down the 4th respondent's claim I am of the view that if the petitioner has a genuine apprehension that the 1st respondent Panchayat will be trespassing into her property, it is open to her to seek remedies from the Munsiff's Court itself. I dispose of the Writ Petition relegating the petitioner to remedies from the Civil Court. However, as regards the road in question, the status quo obtaining as on today will be maintained for a period of 5 weeks from today. It is made clear that I have not expressed any merits on the petitioner's grounds.

PIUS C. KURIAKOSE, JUDGE

btt